



July 29, 1999

Mr. Jesus Toscano, Jr.  
Administrative Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR99-2137

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126226.

The City of Dallas (the "city") received a request for documents pertaining to a specific Civil Service Board review. You state that the city has released most of the responsive information. You claim, however, that the submitted documents are excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

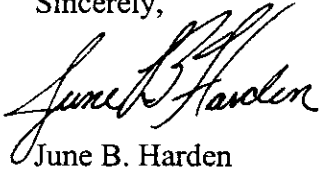
Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107(1) protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.*

You state that the "release of these documents would violate the attorney-client privilege by revealing confidential communications made for the purpose of rendering professional legal services[.]" After careful review, we agree that the submitted documents reveal client

confidences and attorney advice or opinion. Therefore, the city may withhold the submitted documents under section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref: ID# 126226

Encl. Submitted documents

cc: Mr. Neely Blackman  
815 Allen Street  
Dallas, Texas 75204  
(w/o enclosures)